

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**CELLULARVISION TECHNOLOGY &
TELECOMMUNICATIONS, L.P., a
Delaware Limited Partnership**

PLAINTIFF

VS.

No. 4:07CV00444

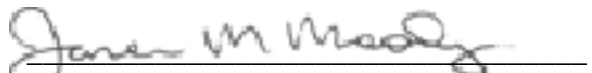
**ALLTEL CORPORATION, a Delaware
Corporation, ALLTEL
COMMUNICATIONS, INC., a Delaware
Corporation, and ALLTEL WIRELESS
HOLDINGS, LLC, a Delaware Limited
Liability Company**

DEFENDANTS

ORDER

Pending is Defendants' motion *in limine* to exclude Plaintiff from arguing or presenting evidence of infringement based on the doctrine of equivalents. (Docket # 137). Plaintiff has elected not to pursue a doctrine of equivalents claim at trial. Accordingly, Defendants' motion is denied as moot.

IT IS SO ORDERED this 23rd day of July, 2008.


James M. Moody
United States District Judge